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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,930	01/31/2001	Sara H. Basson	YOR920000739US1	5324

7590 06/22/2005  
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EXAMINER

LEE, MICHAEL

ART UNIT PAPER NUMBER

2614

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/774,930

Applicant(s)

BASSON ET AL.

Examiner

M. Lee

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Response to Arguments***

2. In view of the appeal brief filed on 3/28/05, PROSECUTION IS HEREBY REOPENED. The Office action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9, 14-23, 28-30, 32-40, and 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by You et al. (5,946,046).

Regarding claim 1, You discloses a caption processing device showing a step of obtaining the signal including the one or more closed captions in a portable processing device directly from an originating source (51), a step of autonomously processing the signal in the portable processing device so as to generate a display signal representative of the one or more closed captions in the obtained signal (52,55,56), and a step of providing signal from the portable processing device to a portable display (57,60).

Regarding claim 2, see monitor 54.

Regarding claim 3, see monitor 54.

Regarding claim 4, the closed captions in You are synchronized with the TV images displayed on monitor 54.

Regarding claim 5, closed caption information is obtained from a transcription service.

Regarding claim 6, closed caption is prestored in the recording medium along with the audio and video information.

Regarding claim 7, closed captions are broadcasted along with live events from television stations provided by a transcription service. This service can be provided to the viewer upon request by calling the television station.

Regarding claim 8, closed captions transmitted from television channels in You are generated by many different means, such as a human stenographer, an automatic speech recognition system, or real-time alignment of a prestored transcription.

Regarding claim 9, the closed caption in You is intended to be one language.

Regarding claim 14, see Figures 3 and 8.

Regarding claims 15-23, and 28, in addition of above, You shows a microcomputer 58.

Regarding claim 29, the caption data processor 51 meets the communication module as claimed because it selectively converts the received television signal into closed caption data.

Regarding claim 30, see remote controller 60 which includes a keypad 61 for controlling the television and closed caption operations.

Regarding claims 32-40, 45, in addition of above, the television transmission stations inherently include closed caption systems, which include at least one processor for controlling the closed caption generating operation.

Regarding claim 46, see rejection to claim 29.

Regarding claim 47, see rejection to claim 30.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-13, 24-27, 31, 41-44, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over You (5,946,046).

Regarding claim 10, You does not specify the closed caption translation service as claimed. It is well known in the art that DVD movies provide different language

Art Unit: 2614

subtitles. This enables different language spoken viewers to watch the same original program. Similarly, television programs are being watched by many different nationalities whom might not be understood the televised language. In order to overcome the problem, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to translate the closed captions into many different languages so that different language spoken viewers could watch the television programs without any difficulty.

Regarding claim 11, closed caption is transmitted along with a television signal.

Regarding claim 12, You shows the closed caption is redirected from the television program (Figures 3 and 8).

Regarding claim 13, You does not specify the head mounted display system as claimed. The Examiner takes Official Notice that using head mounted display as an image presenting device is well known in the art for its portability and mobility. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace the LCD display 57 in You with a head mounted display so that the viewer could watch the closed captions with ease.

Regarding claims 24-27, see the corresponding rejections above.

Regarding claim 31, You does not specify the microphone as an voice based instruction input as claimed. The Examiner takes Notice that use voice activated remote control is well known in the art for its key-fumble free operation. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was

Art Unit: 2614

made to replace the keypad operated remote control 60 with a voice activated or recognition remote control so that the clumsiness of keypad operation could be avoided.

Regarding claim 41-44, see the corresponding rejections above.

Regarding claim 48, see rejection to claim 31.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



M. Lee  
Primary Examiner  
Art Unit 2614